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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 KEITH M. PETTY,
12 Plaintiff,
13 v.
14 PA-C SHOJAEI, et al.,
15 Defendants.

Case No. EDCV 12-1220 JAK (SS)
**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE**

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed
18 Plaintiff's First Amended Complaint, Defendants' Motion to
19 Dismiss, Plaintiff's Opposition, all the records and files
20 herein, and the Report and Recommendation of the United States
21 Magistrate Judge. The time for filing Objections has passed, and
22 no Objections have been received. Accordingly, the Court accepts
23 and adopts the Magistrate Judge's Report and Recommendation.

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1 Consistent with the Report and Recommendation, IT IS ORDERED
2 that Defendants' Motion to Dismiss the First Amended Complaint is
3 GRANTED IN PART and DENIED IN PART. Specifically,

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5 (1) Defendants' Motion to Dismiss on the ground of
6 Plaintiff's alleged failure to exhaust administrative
7 remedies is DENIED without prejudice;

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9 (2) Defendants' Motion to Dismiss on the ground of failure
10 to state a claim for deliberate indifference is DENIED;

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12 (3) Defendant Blier's Motion to Dismiss on the ground of
13 qualified immunity is DENIED without prejudice;

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15 (4) Defendants' Motion to Dismiss on the ground of
16 Plaintiff's failure to serve Defendants Shojaei, Almond
17 and Chaney in compliance with Federal Rule of Civil
18 Procedure 4(m) is DENIED without prejudice;

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20 (5) Defendants' Motion to Dismiss on the ground of failure
21 to state a claim against Defendants in their official
22 capacity is GRANTED;

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24 (6) Defendant Aird's Motion to Dismiss on the ground of
25 absolute immunity under 42 U.S.C. § 233(a) is GRANTED.

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27 Defendant Blier is ORDERED to file an Answer to the First
28 Amended Complaint, as amended by the dismissal with prejudice of

1 all claims against all Defendants in their official capacity and
2 all claims against Defendant Aird in both his individual and
3 official capacities, within fourteen (14) days of the date of
4 this Order.

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6 The Clerk of the Court shall serve copies of this Order on
7 Plaintiff and counsel for Defendants.

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9 IT IS SO ORDERED.

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11 DATED: October 31, 2013

A handwritten signature in black ink, appearing to read 'John A. Kronstadt', is written over a horizontal line.

12 JOHN A. KRONSTADT
13 UNITED STATES DISTRICT JUDGE
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